

**COURT OF APPEALS  
DECISION  
DATED AND FILED**

**July 15, 2014**

Diane M. Fremgen  
Clerk of Court of Appeals

**NOTICE**

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

**Appeal No. 2013AP1249-CR  
STATE OF WISCONSIN**

**Cir. Ct. No. 2009CF294**

**IN COURT OF APPEALS  
DISTRICT III**

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**STATE OF WISCONSIN,**

**PLAINTIFF-RESPONDENT,**

**V.**

**GEORGE E. MASON,**

**DEFENDANT-APPELLANT.**

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APPEAL from judgments of the circuit court for Polk County:  
HOWARD W. CAMERON, JR., Judge. *Affirmed.*

Before Hoover, P.J., Mangerson and Stark, JJ.

¶1 PER CURIAM. George Mason appeals judgments convicting him of strangulation, false imprisonment and fourth-degree sexual assault. Mason entered no contest pleas to these charges after the court denied his motions to dismiss for violation of his constitutional right to a speedy trial and for disclosure of the victim's medical and mental health records. Mason challenges those

pretrial rulings in this appeal. Because we conclude Mason's no-contest pleas forfeited his right to review of those issues, we affirm the judgments.

¶2 Mason was arrested on August 31, 2009. The court set a \$5,000 signature bond, but Mason remained in custody based on a hold from the Department of Corrections. After numerous delays, Mason entered no-contest pleas in April 2013.

¶3 A no-contest plea constitutes a waiver of all nonjurisdictional defects and defenses. *State v. Bangert*, 131 Wis. 2d 246, 293, 389 N.W.2d 12 (1986). That rule applies to alleged violations of a defendant's right to a speedy trial and to the circuit court's evidentiary rulings. *State v. Asmus*, 2010 WI App 48, ¶5, 324 Wis. 2d 427, 782 N.W.2d 435; *State v. Reikkoff*, 112 Wis. 2d 119, 128, 332 N.W.2d 744 (Ct. App. 1983). Therefore, the issues Mason raises on appeal were forfeited by his no-contest pleas.<sup>1</sup>

¶4 Mason attempts to circumvent the waiver rule by requesting reversal in the interest of justice. Under WIS. STAT. § 752.35 (2011-12),<sup>2</sup> this court has authority to grant a new trial in the interest of justice where either of two grounds is established: (1) when the real controversy has not been fully tried; or (2) when justice has miscarried for any reason, provided there is a substantial probability that a new trial would produce a different result. *Vollmer v. Luety*, 156 Wis. 2d 1, 16, 456 N.W.2d 797 (1990). Reversal in the interest of justice is exercised

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<sup>1</sup> Mason has not requested withdrawal of his no-contest pleas.

<sup>2</sup> All references to the Wisconsin Statutes are to the 2011-12 version unless otherwise noted.

infrequently and reluctantly. *State v. Avery*, 2013 WI 13, ¶38, 245 Wis. 2d 407, 826 N.W.2d 60.

¶5 Mason has not established either ground for reversal in the interest of justice. He does not identify which of the grounds he is invoking or establish any of the factors that would lead to reversal in the interest of justice. Regarding his speedy trial demand, much of the delay is attributable to Mason's own conduct, repeatedly discharging his attorneys and refusing to cooperate with them, and filing pro se motions even though he was represented by counsel. Delays caused by the defendant are charged against the defendant. *Vermont v. Brillon*, 556 U.S. 81, 90-94 (2009). In addition, although the substantial delay may be presumed prejudicial, Mason has established no actual prejudice. Nothing in the record supports his conclusory allegation that witnesses' memories failed or that any witness was unavailable.

¶6 Regarding the court's denial of Mason's request for the victim's medical and mental health records, the circuit court conducted an in camera inspection of the records and found nothing that warranted disclosure to the defense. Mason does not challenge that determination on appeal. Mason has not established that this is one of the exceptional cases in which reversal in the interest of justice is appropriate.

*By the Court.*—Judgments affirmed.

This opinion will not be published. See WIS. STAT. RULE 809.23(1)(b)5.

